

Planning Commission Hearing
May 21, 2013

I. CALL TO ORDER

Chairman Dwight Freeman called the meeting to order at 1:25pm; other members in attendance; Vernon McCallister, Gene Glover, Mike Mitchell, Leonard Brown and Rose Vanderpool, Secretary.

Members absent: Grover Hathorn

Others Present: See Attached List

II. Acceptance of Agenda: Vernon McCallister moves to approve the Agenda as amended; seconded by Mike Mitchell; motion carried unanimously. The Jan and February Minutes we read and approved motion was made by Mike Mitchell seconded by Gene Glover; motion carried unanimously.

III. NEW BUSINESS: Randy and Wendy Mellott/Tom O'Rourke- O'Rourke Excavating LLC Conditional Use request. Chairman Freeman read the conditional use application and opened the floor for discussion. The applicant's will sell/transfer the 20-acre parcel to Tom O'Rourke upon approval of the County. If this is not approved Mr. O'Rourke will not purchase the property. Mr. O'Rourke's plan is to utilize 10-acres for the gravel/mining operation. The proposed 10-acres to be used is a rock patch a very resourceful area for aggregate. The surrounding area is compatible to this request; you have Mathias Concrete and the county's pit just to the west. A question about the ownership of Daniel Lane was discussed and it was ascertained, that Daniel Drive is not a county road and originally was owned by Mr. and Mrs. Mellott, but the Mellott's and Mathias swapped land so Mathias owns the private road now and is access for the Daniel Subdivision and Mathias Concrete. There is a well on the property but Mr. O'Rourke will not utilize this well, the process to re-augment and re-permit is too much. Mr. O'Rourke plans on purchasing water from South Fork Water System or other water sources and utilized a water truck for dust abatement during crushing and for roads. Mr. O'Rourke does not want to be a bad neighbor and understands the concerns of resident's but there is a need economically for aggregate for the local consumer. Cost are driven by several factors one of them being distance. This pit would serve the west portion of the county for local consumer. Mathias stopped crushing three years ago but it is still an active pit per DNR. Mr. Mathias will sell product to other contractor's but is very limited and when Mr. Mathias says no more they have to go somewhere else for product. Mr. O'Rourke stated in his plan that he would place ¾" gravel down on both sides of the easement (starting at the entrance going south and then west). Mrs. Mellott stated that we purchased this land knowing there was a good gravel bed in this area and when the land would take care of them when needed financially. They have been good stewards of their land. Once this request is approved, Mr. O'Rourke will apply for all the proper state permitting. Mr. Oswald was notified of this application and approval here will be contingent upon final permitting at the state level. James Horn (CDOT) was contacted and stated without exact trip depiction he could not satisfactorily say whether ac/dc lanes are warranted. Mr. O'Rourke states that he will use county roads 15 and 18 to access this site. Patrick Sullivan does not think impacts to the roads from this venture would be so excessive to warrant an impact fee.

Mr. Charlie Velasquez and his wife stated that Mr. O'Rourke has been a great neighbor. Mr. O'Rourke owns a parcel in the Chapel Hills Estates off of County Rd 15.

Mr. Martin Lukso is very opposed "see attached letter".

Mr. and Mrs. Gale Fletcher oppose "see attached letter"

Mr. Chuck Ziegler supports as well as Mr. and Mrs. Nakamura "see attached letter"

Mr. O'Rourke stated that he would do his best to keep the dust down and per state requirements, there zero tolerance for dust. The life of the pit is about 20 years and depending on the need, crushing is done for about 2 weeks straight a year or every two years, again, depending on need.

Chairman Freeman directs the Board to Pg. 76-77 of the Rio Grande County Development Code and entertains a motion;

Mike Mitchell moves to recommend approval to the Board of County Commissioners with the following conditions of approval;

1. Water supply agreement from any entity that he purchases water.
2. Water shall be on site at all times for dust abatement on and around the site.
3. Gravel the south and west portion of access road/easement with $\frac{3}{4}$ " gravel with no fines.
4. Hours of operation Monday through Friday 8am to 4pm and closed on
5. Thanksgiving, Christmas and New Year's Day with the option of requesting weekend hours if need arises within a 48-hour period.
6. Crushing is a separate operation and shall be allowed as needed with a 48-hour or longer notice to the County Land Use Administrator; the hours of operation shall be Monday through Saturday daylight hours until crushing is complete (approximately 2-weeks)
7. Applicant is responsible for the actions of any subcontractor accessing this site.
8. The applicant shall consider the aesthetics of the operation to minimize the negative impact on surrounding property owners.
9. This permit is issued only to the applicant and in non-transferrable to any subsequent owner.
10. The county will notify the applicant of any reasonable and/or legitimate complaints in writing, the applicant agrees he will immediately cease and desist operations upon receipt of the complaint and until such time as the County has approved the corrective action taken to resolve the complaint.
11. Failure to resolve any verified complaint within a timely and acceptable manner will result in the withdrawal of the conditional use permit approval.
12. The applicant shall apply for and receive the required State Mining and Reclamation Permits.
13. Area of the Gravel pit is 10-acres any expansion will require additional review by the county.
14. The operation shall be shut down on days when winds exceed forty miles an hour (40 mph) this includes crushing and/or normal operations of the pit.

Motion was seconded by Gene Glover; motion carried unanimously.

The Planning Commission discussed issues at hand, and requested a work-session to include the County Commissioners. Rose Vanderpool stated that she would set that up for next month.

IV. Old Business: None

VI. Adjournment: Meeting adjourned at 4:50pm.

Secretary

Chairman